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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,818	03/30/2004	Tien-Min Li	MR2549-68	2822
4586	7590	06/03/2005	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			CHOI, STEPHEN	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/811,818	Applicant(s) LI, TIEN-MIN	
	Examiner Stephen Choi	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: '262'. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 1 is objected to because of the following informalities: line 3, "each guide board" should be --each of the guide board--, line 6, "a longitudinal axis" should be --the longitudinal axis--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Khachatoorian (US 6,098,973).

Khachatoorian discloses all the recited elements of the invention including:

- a) a frame (16);
- b) a positioning disk (20);
- c) a cylindrical tube (at 18);
- d) a pressing member (23, 26) movable extending through a through hole (22).

Regarding claim 12, a smooth inner surface and an inner diameter of the through hole being larger than an outer diameter of the pressing member (Figure 6).

5. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Schmidt (US 6,662,699).

Schmidt discloses all the recited elements of the invention including:

- e) a base board (2) and two guide boards (3, 4);
- f) each guide board including a first guide surface (inner surface at one of 5, 6), a second guide surface (inner surface of 3, 4), and third guide surface (inner surface at one of 5, 6);

g) a blade groove defined through the two guide boards and being oriented perpendicular to a longitudinal axis of the support area (5 and 6 perpendicular to a longitudinal axis of 2).

Regarding claim 3, two guide flanges extending from a top surface (150).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt.

Schmidt discloses the invention substantially as claimed except for the first and third guide surfaces being oriented respectively at 30 degrees and 45 degrees. Instead, Schmidt teaches the elements 5, 6 being oriented at various angles. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the slots on the device of Schmidt at 30 and 45 degrees since the examiner takes Official Notice on the use of such angles as old and well known in the art for the purpose of obtaining miter cuts on the workpiece. Discovering an optimum value of a result effective variable involves only routine skill in the art.

8. Claims 4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt in view of Wang (US 4,582,307) and Schotzko (US 4,158,523).

Schmidt discloses the invention substantially as claimed except for a clamping device as claimed wherein a positioning disk of the clamping member contacting an

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underside of the base board. Wang discloses a frame (20), a cylindrical tube (21), a positioning member (28), and a pressing member (47) movably extending through a through hole (at 21). Furthermore, Schotzko shows that it is old and well known to employ a clamping device on a miter box for clamping the workpiece. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a clamping device as taught by Wang on the device of Schmidt as taught by Schotzko in order to provide a clamping device on a miter box for clamping the workpiece during miter cutting operation. In addition, Wang fails to teach the positioning member being a disk shape. Instead, Wang teaches a rectangular positioning member. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a disk-shaped positioning member since the examiner takes Official Notice on the use of a disk-shaped positioning member as old and well known in the art for the purpose of providing a clamping surface. Regarding claim 6, Wang discloses a side hole (the through hole at 21 is opened on the side, Figure 3) and a pawl (30) pivotably engaged with the side hole (at 27). Regarding claim 7, Wang teaches a smooth inner surface and an inner diameter of the through hole being larger than an outer diameter of the pressing member (Figure 3). Regarding claim 8, Wang discloses first threads (at 41) and second threads (at 31). Regarding claim 9, Wang shows a cam-shape head (a head of 30 including portion 35 contacts the pressing member via 31).

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt in view of Wang and Schotzko as applied to claim 4 above, and further in view of Cvek (US 4,712,462).

The modified device of Schmidt discloses the invention substantially as claimed except for a recess to receive a section of the frame. Cvek discloses a recess on a guide board for receiving a section of a frame (at 20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a recess as taught by Cvek on the modified device of Schmidt in order to provide a supporting surface for mounting the clamping device on the miter guide.

10. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang.

Wang discloses the invention substantially as claimed including a frame (20), a cylindrical tube (21), and a pressing member (47) movably extending through a through hole (at 21). Wang fails to teach a positioning disk. Instead, Wang teaches a rectangular positioning member. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a disk-shaped positioning member since the examiner takes Official Notice on the use of a disk-shaped positioning member as old and well known in the art for the purpose of providing a clamping surface. The reference to Khachatoorian shows one example of such a disk-shaped positioning member. Regarding claim 11, a side hole (the through hole at 21 is opened on the side, Figure 3) and a pawl (30) pivotably engaged with the side hole (at 27). Regarding claim 12, a smooth inner surface and an inner diameter of the

through hole being larger than an outer diameter of the pressing member (Figure 3).

Regarding claim 13, first threads (at 41) and second threads (at 31). Regarding claim 14, a cam-shape head (a head of 30 including portion 35 contacts the pressing member via 31).

Conclusion


11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vogl et al., Brickner et al., Price et al., Ping, and Carter et al. are cited to show related devices.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Friday 9:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sc
27 May 2005


STEPHEN CHOI
PRIMARY EXAMINER